

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In the Matter of the Complaint of

FRANK J. DIEBER, as owner of a 1988 20-foot  
Formula SR1 vessel for Exoneration From or  
Limitation of Liability,

Petitioner.

Civil Action No.: 08 CV 2042 (CLB)

**CLAIM OF AXIS REINSURANCE  
COMPANY a/s/o TARA PINAND  
AGAINST FRANK J. DIEBER, SR.**

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CLAIMANT AXIS REINSURANCE COMPANY a/s/o TARA A. PINAND (“Axis Reinsurance”), by and through its attorneys, PISCIOTTI, MALSCH & BUCKLEY, P.C., alleges the following causes of action against Petitioner:

1. That the alleged injuries and damages to Angela M. Norcia and other persons arising from the incident on Greenwood Lake on or about June 29, 2007 were sustained as the direct result of Petitioner Frank J. Dieber’s 1988 twenty-foot Formula SRI Vessel’s unseaworthiness and/or Petitioner Frank J. Dieber’s negligence, reckless, malice, willful, or wanton misconduct and breach of maritime duties.

2. That as the marine liability insurer of Tara A. Pinand, on or about November 27, 2007, Axis Reinsurance issued a check to Tara A. Pinand payable for \$13,000, which represented the insured value of the boat and trailer as it was declared a total constructive loss.

3. That Axis Reinsurance paid \$1,419.00 in expenses to a surveyor and salvage company in connection with the above-described loss and received \$1,200.00 for the sale of the salvage, which equals \$219.00 in lost expenses.

4. That as a result of this incident, Tara A. Pinand, by her subrogor, was damaged in the sum of \$13,219.00, plus interest from November 27, 2007.

**WHEREFORE**, CLAIMANT AXIS REINSURANCE demands judgment against the defendant in the sum of \$13,219.00, together with interest and costs and disbursements of this action.

Dated: April 21, 2008  
White Plains, New York

Respectfully submitted,

**PISCIOTTI, MALSCH & BUCKLEY, P.C.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 21, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to attorneys of record, registered users of the CM/ECF system:

Mr. James E. Mercante, Esq. (at [jmercante@rubinfiorella.com](mailto:jmercante@rubinfiorella.com))  
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I further certify that on April 21, 2008, I served the foregoing on the above and below-listed persons and/or entities by depositing same into the sole possession of the United States Postal Service in a sealed envelope addressed to non-registered users of the CM/ECF System, with postage pre-paid:

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